

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Sixteenth Judicial District Court, County of Custer

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-10-071
-vs-)	
)	DECISION
MICKELL KALLOCH SYRING,)	
)	
Defendant.)	

On May 1, 2017, the District Court revoked the Defendant's suspended portion of the sentence on Counts 1, 2, 3, and 4: Criminal Distribution of Dangerous Drugs, methamphetamine. The Court sentenced the Defendant to ten (10) years, with five (5) years suspended to the Department of Corrections. All conditions and terms of the June 20, 2011 Judgment were re-imposed including the \$1,000 fine for each count and the restitution of \$3,4440, in joint liability with her co-defendants. The Court recommended Defendant be screened for Passages, followed by Intensive Supervision. The Defendant was granted 15 days for time served and no credit for time on supervision since October 1, 2015.

On April 6, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented. Judy Kalloch, Defendant's mother, and Mianne Graa, Defendant's sister, were present.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 6th day of April, 2018.

DATED this 23 day of APRIL, 2018.

SENTENCE REVIEW DIVISION


Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 3rd day
of May, 2018, to:

Clerk of District Court (Original)
Mickell Kalloch Syring #3007619, Defendant (2)
Hon. Michael B. Hayworth
Brent Getty, Defense Counsel
Wyatt A. Glade, Esq.
Board of Pardons and Parole
MWP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division